

REMARKS

In the non-final Office Action of July 15, 2005, claims 167-169, 171, 172, 176-178, 181, 182, 192, 199, 200, 202, 203, 207-210, and 212-214 were rejected on various grounds as indicated below. In view of the amendments above and remarks below, Applicants request reconsideration on the merits, withdrawal of the rejections, and allowance of the claims.

With entry of the amendment, claims 167-169, 173-175, 179, 180, 183, 187, 188, 191-199, and 204-206, and 211-214 are pending in this application. Applicants have amended claims 191-193, 198, and 199 and canceled claims 171, 172, 176-178, 181, 182, 200, 202, 203, and 207-210 without prejudice to filing a continuation application thereon.

The amendments are fully supported by the application and introduce no new matter. Support for the amendment to claim 191 can be found at least at p. 11, lines 6-7. Support for the amendment to claim 192 can be found at least at p. 6, lines 16-23. Support for the amendment to claim 193 can be found at least at p. 12, lines 15-36; p. 14, lines 20-28; p. 9, lines 27-30; and p. 19, lines 3-12. Support for the amendment to claim 198 can be found at least at p. 6, lines 16-23; and p. 11, lines 6-7. Support for the amendment to claim 199 can be found at least at p. 6, lines 16-23.

Claim Rejections Under 35 U.S.C. § 102

Claims 167-169 and 212-214 were rejected under 35 U.S.C. § 102(a) as being anticipated by Wu et al. (Accession No. AF072131) deposited on June 23, 1998, less than one year prior to the May 21, 1999 priority date of the instant application. As stated in the attached declaration of Chandrashekkhar Joshi made under 37 C.F.R. § 1.132, Applicants submit that the Wu et al. reference was authored by Vincent Chiang, Luguang Wu, and Chandrashekkhar Joshi and that the authors are the same as three of the four inventors on the application. The fourth inventor, Daniel Caraway, did not make an inventive contribution to claims 167-169 and 212-214. Therefore, the inventive entity of claims 167-169 and 212-214 is the same as the authorship of the Wu et al. reference. In view of the foregoing, Applicants request that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, first paragraph

Claims 171, 172, 176-178, 181, 182, 200, 202, 203 and 207-210 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claims 171, 172, 176-178, 181, 182, 200, 202, 203, and 207-210 have been


canceled without prejudice to filing a continuation application thereon, thus rendering moot the rejection. Applicants request that this rejection be withdrawn.

Claims 192 and 199 were rejected under 35 USC § 112, first paragraph, because the Examiner asserts the specification does not reasonably provide enablement for a method that employs the antisense of all nucleotide sequences encoding SEQ ID NO: 2 or amino acid residues from position 220 to position 749 of SEQ ID NO: 2.

Claim 191 has been amended to replace "is expressed in the sense orientation" with "comprises nucleotides from position 69 to position 3005 of SEQ ID NO: 1." Claim 192 has been amended to depend from claim 191. Claim 193 has been amended to replace "an exogenous" with "a vector comprising a promoter operably linked to a," as was earlier proposed by the Examiner. Claim 198 has been amended to replace "sense" with "antisense" and to depend from claim 196. Claim 199 has been amended to depend from claim 195. No new matter has been added by any of the above amendments. Applicants submit that these amendments place claims 192 and 199 in condition for allowance and respectfully request that the rejection be withdrawn.

In view of the amendments and remarks presented herein, it is believed that this application is now in condition for allowance. No fee is believed due in connection with this submission. However, if a fee is owing, please charge Deposit Account No. 13-3080 for such fee.

Respectfully submitted,



Jill A. Fahrlander
Reg. No. 42,581

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Michael Best & Friedrich LLP
P.O. Box 1806
Madison, WI 53701-1806
Phone: (608) 257-3501
Fax: (608) 283-2275